Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. The changes includes "S" in box 5 of Figure 2 to "Sensors".

Attachment: Replacement Sheet

REMARKS

Applicants acknowledge the Examiner's indication of the allowability of the subject matter of Claims 3 through 9, as set forth in paragraph 5 of the Office Action. In particular, the latter claims would be allowable if rewritten in independent form. Nevertheless, for the reasons set forth hereinafter, Applicants respectfully submit that Claims 3 through 9 are allowable in their present dependent form.

In response to the objection to the drawings set forth at paragraph 2 of the Office Action, a Replacement Sheet containing Figure 2 is submitted herewith.

Claims 2-4 and 10-11 have been objected to on the ground that the phrase "can be" should be replaced with more definite language. In response to this ground of rejection, Applicants have amended Claims 2-4 and 10-11 in a manner which addresses and resolves this concern. Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 1, 2 and 10-13 have been rejected under 35 U.S.C. §102(b) as anticipated by Kunz et al (German patent document DE 39 16 460). However, as discussed in greater detail below, Applicants respectfully submit that the latter claims distinguish over the Kunz et al reference.

The Kunz et al reference is discussed in paragraphs [0004] and [0005] of the specification of the present application. As indicated there, this patent discloses a method for controlling the chassis of a vehicle in which an actuator that controls the dynamic relationship between the vehicle body and the wheels can be set by means of actuation signals from a controller, as a function of measurement signals that represent the vertical dynamics and/or lateral dynamics of the vehicle. That is, the actuator is adjusted as a function of the dynamic behavior of the vehicle itself. For this purpose, different sets of controller parameters can be predetermined, each set causing a different dynamic behavior of the vehicle, including, for example, a "comfort-oriented" and a "driving-safety-oriented" vehicle behavior. If a critical travel state occurs (once again, determined based on the longitudinal and lateral forces exerted at the vehicle tires), the system changes over to the safety-oriented configuration.

As noted in paragraph [0005] of the specification of the present application, however, such an automatic changeover of the vehicle dynamic response may take the vehicle operator by surprise, and he may, as a result, overreact, and overcompensate in an attempt to counter the sudden change.

The present invention deals with the latter problem by providing that after such an automatic changeover has occurred (which is implemented by a change of the "characteristic variable" that controls the dynamic response of the vehicle component in question), the system thereafter measures a "state

variable" (for example, the vehicle steering angle), which is indicative of the driving behavior of the vehicle operator. The system then determines a "response characteristic value that characterizes an oscillation profile of the vehicle state variable" within a time period under consideration. If during the latter time period, the response characteristic value or values exceed associated assigned setpoint values, the changeover of the dynamic behavior of the vehicle component is reversed, at least partially. That is, the vehicle is returned partially or entirely to the dynamic operation mode which prevailed prior to the automatic changeover, which was implemented on the basis of the vehicle dynamics, as described previously.

In the claims, Applicants have changed the phrase "characteristic variable", as applied to the oscillation profile of the vehicle state variable to "response characteristic value", in order to avoid any confusion between the latter value and the "characteristic variable", which is a control variable that influences the behavior of the vehicle component in question. This revision does not, however, alter the scope of the claim.

The Office Action states at pages 3 and 4 that the Kunz et al reference inherently discloses that characteristic variables of the oscillation profile of the measured vehicle state variable are compared in a comparison unit with assigned setpoint variables to determine whether the vehicle operator adapts to the change in behavior of the vehicle component resulting from the change in the

characteristic variable of the vehicle component. In this regard, Applicants understand the Examiner's interpretation to be that, after a changeover, the Kunz et al system continues to measure the vertical and lateral dynamics of the vehicle, and that therefore, if a change of circumstances occur, a changeover of the operating mode of the vehicle component could occur in the opposite direction, if the circumstances warrant such a change.

Claim 1 of this application (which is representative of the rejected independent claims) recites a step of determining at least one response characteristic value that characterizes "an oscillation profile of the vehicle state variable". Moreover, it is the latter response characteristic value that is thereafter compared with an assigned setpoint value or values to determine whether the driver has adapted to a change in the behavior of the vehicle component. The Kunz et al reference appears to contain no discussion which suggests the derivation of a response characteristic value which characterizes "an oscillation profile of the vehicle state variable" for use for this purpose. Moreover, the Kunz et al reference also contains no discussion of determining whether the driver adapts to a change in the behavior of the vehicle at all. The proposition, assuming it to be true, that the Kunz et al system continues to measure the operating parameters noted previously, falls short of suggesting the determination of an oscillation profile of the vehicle state variable, or furthermore the determination of a response characteristic value that

characterizes the oscillation profile. Moreover, insofar as Applicants have been able to determine, other than the fact that the sensors in Kunz et al presumably continue to measure the quantities which they measure (vehicle speed, steering angle, gear speed and transverse acceleration), the disclosure contains no discussion of reversing or overruling a previous change of the system into the "safety-oriented configuration of the controller parameters". Exactly how or under what circumstances this might occur is not the focus of the disclosure.

Accordingly, Applicants respectfully submit that Kunz et al does not inherently teach or suggest the invention as defined in Claim 1. Moreover, independent Claims 10 and 12 are similarly limited. Accordingly, Applicants respectfully submit that all claims of record in this application distinguish over Kunz et al.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.52960US).

Respectfully submitted,

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Attachment – Replacement Sheet (Figure 2)

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